REMARKS

This Amendment is in response to the Office Action dated June 22, 2007 ("OA"). In the Office Action, claims 30-38 were rejected under 35 USC §103. By this amendment, claims 32 and 34 are amended. Claims 30-38 are believed allowable, with claim 30 being an independent claim.

CLAIM REJECTIONS UNDER 35 USC §103:

Claims 30-38 are rejected under 35 USC §103 as unpatentable over U.S. Patent No. 6,834,350 issued to Boroughs et al. ("Boroughs") in view of "Target Naming and Service Apoptosis" by James Riordan and Dominique Alessandri ("Riordan"). OA, pg. 2.

In response, the applicants respectfully submit:

1. Riordan is not available as prior art; and

2. The rejections amount to conclusory statements.

1. Riordan is not available as prior art

35 USC §102 states, "A person shall be entitled to a patent unless . . . (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States."

The applicants observe that the publication date of Riordan is listed as October 2000. Riordan, pg. 1. The filing date of the present application is March 29, 2001, less than one year from the publication of Riordan.

The applicants submit that Riordan is not available as prior art under 35 USC §102(a) since it is not a publication by "others". Furthermore, Riordan is not available as prior art under 35 USC §102(b) since it is not published more than one year prior to the date of the application for patent in the United States.

2. The rejections amount to conclusory statements

The rejection of claim 30 amounts to a conclusory statement unsupported by articulated reasoning or rational underpinning.

It is well settled that "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336, quoted with approval in KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007).

In rejecting claim 30, the office action alleges Boroughs discloses all the claim elements except including a threat level within the activation token. OA, pg. 2-3. The Examiner argues these claim elements are found in Boroughs by merely copying the claim elements and citing Boroughs column and line numbers in parentheses. The rejection does not provide a comprehensive explanation of why the examiner considers the limitations of claim 30 disclosed in Boroughs. The applicants are left guessing what the examiner was thinking when making the rejection. If the rejection of claim 30 is maintained, the applicants request that a detailed explanation of disclosed structures relied upon in Boroughs be clearly articulated by the examiner in accordance with 37 CFR 1.104(c)(2).

For at least these reasons, the applicants respectfully submit that claims 30-38 are allowable over the cited references. The applicants therefore earnestly solicit allowance of the pending claims.

CONCLUSION

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Amendment, however, should such a fee be required please charge Deposit Account 50-0510 the required fee. Should

any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

Dated: September 24, 2007

/ido tuchman/
Ido Tuchman, Reg. No. 45,924
Law Office of Ido Tuchman
82-70 Beverly Road
Kew Gardens, NY 11415
Telephone (718) 544-1110
Facsimile (866) 607-8538